

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups II and I are related as product and process of use under M.P.E.P. § 806.05(h) and the bleaching agent could be used to bleach items other than teeth and teeth may be bleached with compositions other than those of Group II.

However, the Examiner does not give any reasons to support the assertion that the specific bleaching agent, as claimed, is suitable for bleaching any material other than teeth. Further, the Examiner does not give any reasons to support the assertion that the process, as claimed, can be practiced with another materially different product, as is required under M.P.E.P. § 806.05(h). Therefore, it is submitted that the requirements of M.P.E.P. § 806.05(h) have not been met and it is requested that the claims of Groups I and II be rejoined and examined in the present application.

Further, if the claims of Group II are ultimately found allowable, it is requested that the claims of Group I be rejoined under M.P.E.P. § 821.04 and allowed in the present application, also.

Finally, Applicants traverse the restriction requirement on the grounds that thousands of U.S. patents have issued in which many more than two subclasses have been searched and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

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